

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SCHWASS
Application Serial Number: 10/581,730
Filing Date: 06-06-2006
Title: Material Discharge Apparatus and Method
Examiner: Andrew Philip Bainbridge
Art Unit: 3754
Confirmation number: 8700

Date: June 29, 2009

Mail Stop: Patent Application (Response to restriction requirements)

Honorable Commissioner for Patents
P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENTS

This is a response to the Restriction Requirement mailed April 28, 2009, which set a shortened statutory period for response of one (1) month. A timely response thus would have to be filed on or before May 28, 2009. This response is being filed with a request for one month extension of time (37 CFR 1.116(a) in which to response to the noted Restriction Requirement. June 28, 2009 falls on Sunday, therefore, the response is due on Monday, June 29, 2009. Thus the response is being timely filed on Monday, June 29, 2009.

In response to the Restriction Requirements mailed April 28, 2009, applicant provisionally elects, with traverse, the claims of Group 1 directed to an apparatus and to the extent necessary the specie represented by Figures 1 and 2 of the Specification. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks and amended claims submitted herein, is respectfully requested. In view of the amendments which follow, applicant would say that all of the now pending claims fall within the scope of the invention as defined by Group 1.

The Examiner has separated the claims 20-38 of this application into 2 groups. Group 1, including claims 20-29 and 35, as being directed to an apparatus and Group 2,

claims 30-34 and 38 as being directed to a computer controlled process. Applicant would urge that there is only a single invention disclosed in the supporting Specification. In order to clarify the nature of the invention presented, applicant has modified claims 20, 30, 31, 32 and 34, as well as canceled claims 33, and 36-38. Thus, claims 20-32 and 34-35 are now pending in the application. Further, all claims are now directed to either the apparatus of Group 1 or the use of said apparatus.

In addition, applicant would urge that the claims are now directed to a group of independent species as urged by the Examiner. All of the claims are directed to a single apparatus. The drawing, on which the Examiner would appear interpret as species of the apparatus are merely the apparatus with further defined features and controls. These elements do not correspond to separate and/or patentably distinct inventions.